

Haiti: Current Conditions and Congressional Concerns

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Summary

Haiti shares the island of Hispaniola with the Dominican Republic. Since the fall of the Duvalier dictatorship in 1986, Haiti has struggled to overcome its centuries-long legacy of authoritarianism, extreme poverty, and underdevelopment. While some progress has been made in developing democratic institutions, they remain weak. Economic and social stability have improved considerably. But poverty remains massive and deep, and economic disparity is wide.

In May 2006, René Préval began his second five-year term as President of Haiti. During his first two years in office, Préval began to establish internal political stability by attempting to strengthen democratic institutions and creating an environment that would attract private investment and spur job creation. Haiti's fragile stability has been repeatedly shaken, however, if not by political problems, then by climatic ones. In 2008, a worsening food crisis led to violent protests and the removal of Haiti's Prime Minister. Parliament rejected Préval's first two choices for a new prime minister, but finally confirmed Michele Pierre-Louis, a highly-regarded educator and economist, as Prime Minister in September 2008. In the summer of 2008, four major storms caused widespread devastation in Haiti.

Haiti remains the poorest country in the western hemisphere. Over half the population of 8.2 million people live in extreme poverty. Since Haiti's developmental needs and priorities are many, and deeply intertwined, the Haitian government and the international donor community are implementing an assistance strategy to address these many needs simultaneously. The Préval administration presented a revised strategy at a donors' conference on April 14. Haiti received aid commitments of \$353 million. The United States pledged \$68 million in new FY2009 assistance, including \$20 million in targeted budget support. The United Nations Stabilization Mission in Haiti (MINUSTAH) has been in Haiti to help restore order since the collapse of former President Jean-Bertrand Aristide's government in 2004. MINUSTAH's current strength is 9,089 troops.

The main priorities for U.S. policy regarding Haiti are to strengthen fragile democratic processes, continue to improve security, and promote economic development. Other concerns include the cost and effectiveness of U.S. aid; protecting human rights; combating narcotics, arms, and human trafficking; addressing Haitian migration; and alleviating poverty. The FY2009 aid request for Haiti was \$246 million. The Omnibus Appropriations Act of 2009 (P.L. 111-8) provided for an additional \$41 million in bilateral economic and international security assistance for Haiti. The FY2010 aid request for Haiti is \$293 million.

The 111th Congress may consider the balance and scope of assistance to Haiti. Members have already requested that the Obama Administration grant Temporary Protected Status (TPS) to Haitians living in the United States. Of immediate concern to Congress may be ensuring that second round elections scheduled for June 21 for 11 Haitian Senate seats are free, fair, and—in light of recent violent protests—peaceful. Prohibited from running on technicalities, former President Aristide's Lavalas party boycotted the first round vote; turnout nationwide averaged 11%. Congress may take up debt relief for Haiti again.

Current law related to Haiti includes P.L. 111-8, P.L. 110-161, P.L. 110-246, and P.L. 109-432. Pending legislation related to Haiti includes H.Con.Res. 17, H.R. 144, H.R. 264, H.R. 331, H.R. 416, H.R. 417, H.R. 1567, S. 730, and S. 1183; for details see sections on Legislation.

This report on conditions in Haiti will be updated as necessary. For additional information see CRS Report RL34687, *The Haitian Economy and the HOPE Act*, by J. F. Hornbeck.

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Figure I. Map of Haiti

Source: Map Resources. Adapted by CRS.

Political Background

Haiti shares the island of Hispaniola with the Dominican Republic; Haiti occupies the western third of the island. Since the fall of the Duvalier dictatorship in 1986, Haiti has struggled to overcome its centuries-long legacy of authoritarianism, extreme poverty, and underdevelopment. While significant progress has been made in improving governance, democratic institutions remain weak. Poverty remains massive and deep, and economic disparity is wide. Attempts at democratic rule have been intermittent and only partially successful. In 1991, a military coup interrupted the first term of Haiti's first democratically-elected President, Jean-Bertrand Aristide; the threat of a U.S. military intervention allowed him to return three years later and finish his term.

In 1996, the first transition between two democratically elected presidents in Haitian history occurred when René Préval assumed the presidency. Five years later, in 2001, Aristide was re-elected. Political conflict led to the collapse of his government in 2004, which was followed by an interim government. Charges of corruption against Aristide, dissolution of the parliament by Préval in his first term, questions of the interim government's legitimacy, and flawed elections under all of them contributed to their inability to establish a fully accepted or functioning government.

Since 2004, however, Haiti has made what the International Monetary Fund (IMF) and others call “remarkable progress” toward political stability and economic stabilization.¹ The government has conducted democratic presidential and parliamentary elections, and enacted wide-ranging reforms, especially in economic governance. Although crime and violence continue to undermine Haitian development, security has improved significantly enough that the United Nations Stabilization Mission in Haiti (MINUSTAH) is shifting the focus of its biggest contingent from security to development. The fundamental inequality of Haitian society has remained basically unchanged, though, and Haiti remains the poorest country in the hemisphere.

In proximity to the United States, and with such a chronically unstable political environment and fragile economy, Haiti has been a constant policy issue for the United States. The U.S. Congress views the stability of the nation with great concern and commitment to improving conditions there.

In May 2006, René Préval began his second five-year term as President of Haiti. During his first three years in office, Préval has established relative internal political stability. He outlined two main missions for his government: (1) to build institutions, and (2) to establish favorable conditions for private investment in order to create jobs. In November 2007, his Administration published its Poverty Reduction Strategy, a key step in meeting IMF requirements for debt relief. International donors pledged more than \$1.5 billion in economic assistance to Haiti. With the support of the MINUSTAH, which arrived in Haiti in 2004, security conditions have improved and reform of the country's police force has begun. Former President George W. Bush praised Préval for his efforts to improve economic conditions and establish the rule of law in Haiti. Préval pledged to cooperate with U.S. counternarcotics efforts. Both President Barack Obama and Secretary of State Hillary Clinton have met with President Préval and indicated strong support for development in Haiti.

The Préval government worked with international donors and agencies to update its poverty reduction strategy to take into account the damage done by the hurricanes and storms and the reconstruction that is being done. The government presented the revised strategy and received \$353 million in new aid commitments at a donors' conference on April 21, 2009.

Haiti's fragile stability has been repeatedly shaken, however, if not by political problems, then by climatic ones. In April 2008, a worsening food crisis led to violent protests and the removal of Haiti's Prime Minister. UN officials said political opponents and armed gangs infiltrated the protests and fired at UN peacekeepers in an effort to weaken the government. Without a Prime Minister, Haiti could not sign certain agreements with foreign donors or implement programs to address the crisis for over four months. Parliament, having rejected Préval's first two choices for a new prime minister, finally confirmed Michele Pierre-Louis, a highly-regarded educator and economist who has worked on behalf of Haitian poor and youths, as Prime Minister in September 2008. They were spurred to act in part so that the government could respond to natural disasters: in late August and September, four major storms directly hit or passed close to Haiti, causing widespread devastation. There are some 19 political parties in the legislature competing for influence and positioning themselves for legislative and presidential elections in 2010 and 2011, respectively, further complicating governability.

¹ Ugo Fasano, “Haiti's Economic, Political Turnaround,” IMF Survey Magazine: Countries & Regions, Sept. 17, 2007; and World Bank, “Haiti Country Brief,” Sept. 2008, at <http://go.worldbank.org/55NM6XIVQ0>. See also, “Remarks by United Nations Secretary-General Ban Ki-Moon at a High-Level Donor Conference on Haiti (as released by the UN),” and “Statement by Ambassador Susan E. Rice, United States Permanent Representative to the United Nations, in the UN Security Council (as released by the US Mission to the UN in New York,” Federal News Service, April 21, 2009.

In June, student protests against university budget cuts expanded into broader protests demanding the departure of United Nations forces in Haiti and that President Préval sign a bill increasing the minimum wage raising the minimum wage from about \$1.75 to \$5.00 a day. The Congress passed the law in May, but it does not become law until the President signs it. Some critics believe he is bowing to pressure from textile manufacturers to delay the bill's implementation. The average daily wage for textile assembly workers is \$5.25, above the new minimum wage. Some manufacturers, noting that they would have to raise wages proportionally, had asked for a gradual implementation of the law so that they could negotiate new contracts incorporating the new wages into their costs. The Congress passed the bill with no transition phase in it.

The Haitian Parliament and 2009 Elections

After the collapse of the Aristide government in 2004, the Parliament was not fully functioning. It was reestablished with elections in April 2006. The Haitian parliament comprises a Senate, with 30 seats, and the Chamber of Deputies, with 99 seats. One-third of the Senate is elected every two years; the Senate has operated with only one-third of its members for about a year and a half, as unrest, hurricanes, and divisions with the electoral council delayed elections for the other two-thirds. Préval dissolved the electoral council last year and formed a new one.

Since then, technical preparations for the elections went well, but the process was fraught with political tensions. The provisional electoral council, with the support of MINUSTAH and donors, completed the election preparation, including voter registration, ballot printing, and training of election workers. But the council also caused controversy by barring former President Jean-Bertrand Aristide's Fanmi Lavalas party from participating for mostly technical reasons. Part of the problem is that two rival factions submitted separate lists of candidates. The council rejected both lists because neither faction had documents signed by the party's head, Aristide. Aristide lives in exile in South Africa. Although technically correct, some observers felt the decision had a politically motivated element, to prevent the once powerful Lavalas from gaining more seats. A UN Security Council delegation in Haiti praised the Lavalas party for seeking a reversal of the decision through legal means, and urged a resolution to the impasse to avoid yet another electoral crisis, of which Haiti has had many in the last couple of decades.

In the end, Lavalas was still not allowed to run, and Lavalas supporters boycotted the elections. for 12 of the Haitian Senate's 30 seats that were held on April 19, 2009. About 4,000 electoral security workers and 6,500 UN peacekeepers helped maintain order on election day. The process was relatively peaceful, but protests and the shooting of a poll official led the government to cancel the vote in one rural department. Apathy, the boycott, and the closing of public transportation out of concern for security contributed to extremely low voter turnout, averaging 11% nationwide. Only one candidate won a majority of the vote, so a runoff vote is scheduled to be held on June 21. A clash between the ruling party and an opposition party, the Struggling People's Organization, OPL, resulted in the death of one person, increasing concerns about violence around the elections. Opposition parties have filed claims of voting fraud, and at least four have vowed to vote against seating the winners of the elections. Some critics have called for the election to be postponed.

The elections could give President Préval's coalition, Lespwa ("Hope" in Haitian Creole), a majority in the Senate. Lespwa currently controls one-third of the chamber's seats. Lespwa candidates in the runoff could give the party five to nine more seats. Préval hopes such wins would give him the support he needs in Parliament to pass constitutional reforms and support his economic agenda. Lingering disputes over the elections could dampen that support, however. In addition, several members of Parliament have defected recently from the coalition. He also wishes to strengthen the executive, which some in Parliament oppose.

Elections for the Chamber of Deputies are due to be held in 2010. There are no term limits for either chamber; re-election rates are extremely low, however. Parliamentarians are already positioning themselves for the next presidential elections in 2011 as well.

Socioeconomic Conditions

Plagued by chronic political instability and frequent natural disasters, Haiti remains the poorest country in the Western Hemisphere. Haiti's poverty is massive and deep. Over half the population (54%) of 9 million people live in extreme poverty, living on less than \$1 a day; 78% live on \$2 or less a day, according to the World Bank. Poverty among the rural population is even more widespread: 69% of rural dwellers live on less than \$1 a day, and 86% live on less than \$2 a day. Hunger is also widespread: 81% of the national population and 87% of the rural population do not get the minimum daily ration of food defined by the World Health Organization. In remote parts of Haiti, children are dying of malnutrition.²

In order to reach its Millennium Development Goal of eradicating extreme poverty and hunger by 2015, Haiti's Gross Domestic Product (GDP) would have to grow 3.5% per year, a goal the International Monetary Fund (IMF) says Haiti is not considered likely to achieve. Over the past 40 years, Haiti's per capita real GDP has declined by 30%. Therefore, economic growth, even if it is greater than population growth, is not expected to be enough to reduce poverty. Haiti has experienced economic growth since 2004. Economic growth for FY2007 was 3.2%, the highest rate since the 1990s, but the forecasted growth for FY2008-2009 is only 1.9%, reflecting the impact of recent storms and the global economic crisis. The global economic crisis has also led to a drop of about 10% in remittances from Haitians abroad, which last year amounted to about \$1.65 billion, more than a fourth of Haiti's annual income.³

The likelihood that economic growth will contribute to the reduction of poverty in Haiti is further reduced by its enormous income distribution gap. Haiti has the second largest income disparity in the world. Over 68% of the total national income accrues to the wealthiest 20% of the population, while less than 1.5% of Haiti's national income is accumulated by the poorest 20% of the population. When the level of inequality is as high as Haiti's, according to the World Bank, the capacity of economic growth to reduce poverty "approaches zero."⁴

Haiti's Development Challenges and International Assistance Strategy⁵

Strategy for Growth and Poverty Reduction

In November 2007, the Préval government issued a "Growth and Poverty Reduction Strategy Paper," one of the qualifications for debt relief through the World Bank's Heavily Indebted Poor

² "Rural Haitian Children Starving," Associated Press, Nov. 21, 2008.

³ Mike Blanchfield, "In recession, Haitians abroad send less money home," Canwest News Service, Mar. 17, 2009.

⁴ World Bank, "Income Distribution, Inequality, and Those Left Behind," in *Global Economic Prospects 2007: Managing the Next Wave of Globalization*, p. 83. December 1, 2006.

⁵ For further information, see CRS Report RL34029, *Haiti's Development Needs and a Statistical Overview of Conditions of Poverty*, by Maureen Taft-Morales and Demond Alexander Drummer; for background on the 2004-2007 strategy, see CRS Report RL33156, *Haiti: International Assistance Strategy for the Interim Government and*

Country (HIPC) initiative and the IMF's Poverty Reduction and Growth Facilities.⁶ Its implementation cost for 2007 to 2010 is just under \$4 billion; the international community has contributed or pledged about half of that amount. The poverty reduction strategy focuses on three “priority pillars.” The first is areas for growth, focusing on agriculture and rural development; tourism; infrastructure modernization; and science, technology and innovation. The second pillar is human development, concentrating on education and training; health; water and sanitation; persons with disabilities; childhood poverty; young people; HIV/AIDS; and gender equity. The third pillar calls for investment in democratic governance, focusing on the establishment of an equitable justice system; creation of a climate of security; modernization of the state; and political and economic decentralization.

Post-Disaster Assessment of Needs

In August and September 2008, four major hurricanes or tropical storms directly struck or passed close to Haiti, killing hundreds of Haitians and affecting hundreds of thousands more. The storms caused flooding in all ten of the country's departments. Tropical Storm Fay struck Haiti on August 16 while Hurricane Gustav struck on August 26 with heavy rains and winds. In the first days of September, Tropical Storm Hanna brought more torrential rain, causing floods as deep as almost ten feet in Gonaïves. Hurricane Ike did not directly strike Haiti, but significantly increased water levels in areas that were already flooded. Overall, almost 500 people died.

At the time, Haiti was already experiencing a food crisis, and the impact of the storms greatly exacerbated the problem, mainly due to flooding. The storms destroyed approximately one-third of the country's rice crop, essentially used for domestic consumption, as well as livestock, other crops, seeds, and farm equipment. The storms hit during harvest season, meaning that farmers would not have had capital from that crop to reinvest in future crops.⁷

The Growth and Poverty Reduction Strategy—and its budget—was developed prior to the devastating hurricanes of 2008. World Bank Group President Robert Zoellick visited Haiti in October 2008, and called on the Haitian government and donors to reinvigorate short-term recovery and reconstruction efforts and long-term development programs, and promote a new “vision” for medium-term growth and development. To help it do this, the Haitian government requested a Post-Disaster Needs Assessment that was published in November 2008.⁸ Damages and losses were estimated at almost \$900 million (\$897.39 million). The greatest damage was done to agricultural production, with almost \$200 million in damages and losses, and housing, with about \$180 million in damages and losses. Needs were assessed at approximately \$269 million for immediate relief efforts, and approximately \$494 million for reconstruction and rehabilitation, for a total of \$763 million.

Priorities for immediate relief projects are food security, social welfare, and watershed protection. The overarching goal of the reconstruction and rehabilitation projects is to rebuild better, so that the living conditions of communities affected by the storms are better than they were beforehand.

Congressional Concerns, by Maureen Taft-Morales.

⁶ Growth and Poverty Reduction Strategy Paper available at <http://siteresources.worldbank.org/INTHAITIINFRENCH/Resources/HaitiDSNCRPEnglish.pdf>.

⁷ For further information, see CRS Report RS22975, *Haiti: Post-Hurricane Conditions and Assistance*, by Maureen Taft-Morales and Mark P. Sullivan.

⁸ *Le Rapport d'Evaluation des Besoins Apres Desastre Cyclones Fay, Gustav, Hanna et Ike (Haiti Post-Disaster Needs Assessment, PDNA)*, Prepared for the Government of the Republic of Haiti with the support of the World Bank, the United Nations System, and the European Commission, November 2008. Author's translation. Available in French at http://gfdrr.org/docs/Haiti_PDNA_2008.pdf.

That is, to reestablish the basic infrastructure while also fostering economic development and reducing the risks of the next disasters.

Some analysts argue that Haiti needs its own economic stimulus package, an extraordinary level of aid committed over a long period of time to establish security and achieve poverty reduction. According to Hedi Annabi, the UN's envoy to Haiti, Haiti needs \$3 billion over the next two to three years to recover from the hurricanes, if the \$570 million spent yearly on the UN peacekeeping mission is to be at all effective.

The President of the Inter-American Development Bank (IDB), Luis Moreno, has also called for extraordinary assistance from the international community for Haiti. Calling Haiti the most fragile of IDB's member countries, Moreno said that no other nation in Latin America and the Caribbean is as vulnerable to economic shocks and natural disasters as is Haiti. In December 2008 the IDB offered Haiti an additional \$50 million in assistance for 2009. The World Bank approved an additional \$25 million in emergency grants for Haiti in November 2008 to finance rebuilding of key infrastructure, water and sanitation works, and technical assistance to incorporate disaster risk management into Haiti's overall development strategy. The United Nations designates Haiti one of the 50 "least developed countries" in the world, facing a higher risk than other countries of failing to come out of poverty, and therefore needing the highest degree of attention from the international community.

Relations with Donors and Donors Conference

Since Haiti's developmental needs and priorities are many, and deeply intertwined, the Haitian government and the international donor community are implementing an assistance strategy that attempts to address these many needs simultaneously. The challenge is to accomplish short-term projects that will boost public and investor confidence, while also pursuing long-term development plans to improve living conditions for Haiti's vast poor population. The challenge has been made more daunting by developments such as rising food and gasoline prices world-wide, internal political crises, and natural disasters. Préval has criticized the donor community for not dispersing funds quickly enough. Some international donors have complained that Préval's government keeps changing priorities -first children's needs, then road-building, then security issues such as high rates of crime and kidnapping, leading Préval's government and MINUSTAH to focus on improving security.

There are other frustrations on the part of both donors and the Haitian government regarding foreign assistance. The Haitian government is frustrated that U.S. and other foreign aid is provided through non-governmental organizations (NGOs) rather than directly to the government. The Préval Administration indicates it wants more accountability by NGOs, so that the government knows what projects are being carried out. Donors are worried about the lack of Haitian capacity to design and implement programs, as well as corruption. Furthermore, Préval's style of leadership is viewed by many as a mixed blessing. He encourages national dialogue to develop consensus on strategies rather than imposing policy from above—a welcome departure from Haiti's traditionally autocratic style of leadership—but his lack of forceful leadership means progress on many fronts is limited. Some of these issues were addressed at the international donors conference held in the spring of 2009.

April 2009 Donors Conference⁹

International donors asked Haiti to update the Growth and Poverty Reduction Strategy, to clarify priorities and reflect post-hurricane conditions and needs. The government of Haiti presented such a revised strategy incorporating the findings of both the Post-Disaster Needs Assessment and the UN's "Haiti: From Natural Catastrophe to Economic Security" report, at a donors conference held April 21, 2009 in Washington, DC. The Haitian government outlined the priorities of its new two-year plan, "Haiti: a New Paradigm," which include investing in strategic infrastructure, improving economic governance and the business environment, improving the provision of basic services, and ensuring environmental sustainability.¹⁰ The government and donors hope to generate up to 150,000 jobs through such actions, and by taking advantage of the investment opportunities created by the HOPE II Act (P.L. 110-246), the trade law that grants trade preferences for U.S. imports of Haitian apparel. The government's new plan also call for job creation through higher productivity in agriculture.

Donors from 28 countries and multilateral organizations pledged \$353 million in new aid to Haiti over the next two years. Although the amount was less than the Haitian government had said it needed, Prime Minister Pierre-Louis said that, considering the global economic crisis, it was more than she had expected, and pledged to use the funds properly. Donors agreed to coordinate assistance more effectively, with each other and with the Haitian government. World Bank President Robert Zoellick urged donors to reduce the burden on Haiti's government by working with the Haitian government to track results and accountability of foreign assistance better, and by developing joint benchmarks, and conducting joint assessments.¹¹

One of the government's immediate priorities was to get pledges to help bridge its \$125 million budget gap; according to the Inter-American Development Bank, Haiti received about \$83 million in such support for FY2008 to FY2010. The United States pledged \$68 million in new FY2009 assistance, including \$20 million in targeted budget support, in addition to the \$245.9 million already requested for FY2009.

Some analysts emphasize that the Haitian government and civil society must be partners in designing any development strategy if they are to succeed and be sustainable. They also warn that job creation and other development efforts must occur not only in the cities, but also in rural areas, to reduce urban migration, dependence on imported food, and environmental degradation. As mentioned above, economic growth alone is unlikely to reduce poverty in Haiti. Therefore, the Haitian government and many in the international donor community maintain that donors must continue to make a long-term commitment to Haitian development. Furthermore, in order to reduce poverty across the board, some observers say that development strategies must specifically target improving the living conditions of the poor, and address the inequities and prejudices that have contributed to Haiti's enormous income disparity.¹²

⁹ Information on the donors conference, including documents and a chart of donor pledges, is available at [<http://events.iadb.org/calendar/eventDetail.aspx?source=press&lang=en&id=525>].

¹⁰ "Haiti: a New Paradigm" is available at [<http://idbdocs.iadb.org/WSDocs/getDocument.aspx?DOCNUM=1942794>].

¹¹ "Robert B. Zoellick at Conference on Haiti's Social and Economic Development-Remarks by Robert B. Zoellick, President, the World Bank," ENP Newswire, April 16, 2009.

¹² See for example, Robert Maguire, "Paul Collier's Report on Economic Security in Haiti," March 2009. Focal Point, Vol. 8, Issue 2.

Outlook Regarding Haitian Development

Despite the current economic and social problems currently existing in Haiti and the comprehensive and complex challenges facing the country today, prominent analysts note with optimism the progress Haiti has made and its potential for sustainable development. The UN Security Council conducted a fact-finding visit to Haiti in March 2009, and noted that the country had made significant improvements in security and judicial reform, although it still needs to contend with widespread poverty and susceptibility to natural disasters. Both the Préval and the preceding interim government also made progress toward goals outlined in Haiti's international assistance strategy, including improved macroeconomic management, procurement processes, and fiscal transparency; increased voter registration; and jobs creation. Although the natural disasters caused setbacks, the government had also made progress in providing broader access to clean water and other services. The UN Security Council delegation's leader said, "[I]t does appear that there is a window of opportunity to enable the consolidation of stability and the undertaking of a process of sustainable development."¹³

In addition to the Security Council visit to Haiti, the UN Secretary-General commissioned a report, published in January 2009, that recommends a strategy to move Haiti beyond recovery to economic security.¹⁴ According to the UN report, "the opportunities for [economic development in] Haiti are far more favorable than those of the 'fragile states' with which it is habitually grouped." The report's author, economist Paul Collier, is known for his book, *The Bottom Billion*, which explores why there is poverty and how it can be reduced. Among his reasons for optimism regarding Haiti: Haiti is part of a peaceful and prosperous region, not a conflictive one; and while political divisions and limited capacity make governing difficult, Collier believes that Haiti's leadership is "good by the standards of most post-conflict situations. Both the President and the Prime Minister have integrity, experience and ability, and a deep concern with the maintenance of social peace." The UN report recommends that modest and focused actions be taken to build economic security on the foundation of social stability that has been built in Haiti over the past five years. Because that stability is fragile, the report mentions such actions should be taken immediately and should focus on strengthening security by creating jobs, especially in the garment and agricultural sectors, providing basic services, enhancing food security, and fostering environmental sustainability.

Collier and other analysts note that Haiti has an important resource in the 1.5 million Haitians living abroad, for funds, technical skills, and political lobbying. Eighty percent of the Haitian diaspora remitted \$1.65 billion to Haiti in 2006—double Haiti's national budget, and about a third of its gross domestic product.¹⁵ The world economic recession has led to about a 10% drop in Haitian remittances so far in 2009, however.

The efforts of Haitian-Americans and others lobbying on Haiti's behalf led to another advantage Haiti has, the most advantageous access to the U.S. market for apparel of any country, through the HOPE II Act (the Haitian Hemispheric Opportunity through Partnership Encouragement Act, P.L. 110-246; see Legislation section below). Supporters say the HOPE Act will provide jobs and stimulate the Haitian economy. Critics worry that it will exploit Haitians as a source of cheap labor for foreign manufacturers, and hurt the agricultural economy by drawing more people away

¹³ "Haiti: UN Council Mission reports strides in security, worrisome poverty," States News Service, Mar. 19, 2009.

¹⁴ Paul Collier, "Haiti: From Natural Catastrophe to Economic Security, A Report for the Secretary-General of the United Nations," Jan. 2009, available at <http://www.securitycouncilreport.org>.

¹⁵ Mike Blanchfield, "In recession, Haitians abroad send less money home," Canwest News Service, Mar. 17, 2009.

from farming. According to the U.S. embassy in Haiti, the HOPE II Act has helped create about 11,000 jobs.

The United Nations Stabilization Mission in Haiti (MINUSTAH)

The United Nations Stabilization Mission in Haiti (MINUSTAH), has been in Haiti to help restore order since the collapse of former President Jean-Bertrand Aristide's government. Armed rebellion and diminished international support for Aristide led him to flee into exile in February 2004. An international force authorized by the UN arrived shortly after his departure, and was replaced by MINUSTAH in June 2004. MINUSTAH worked closely with the interim government from 2004 to 2006 when, after several delays, elections were held. The Mission has continued to work closely with the Préval Administration since then. Although some Haitians call for the removal of foreign troops, President Préval supports the mission's presence, saying that he "will not adopt a falsely nationalist position," and that MINUSTAH should stay until Haiti is ready to assume responsibility for security.¹⁶

MINUSTAH's mandate includes three basic components: (1) to help create a secure and stable environment; (2) to support the political process by fostering effective democratic governance and institutional development, supporting government efforts to promote national dialogue and reconciliation and to organize elections; and (3) to support government and non-governmental efforts to promote and protect human rights, as well as to monitor and report on the human rights situation. MINUSTAH has played a key role in emergency responses to natural disasters, including facilitating the delivery of emergency humanitarian assistance. As part of its work, the Mission has also conducted campaigns to combat gangs and drug-trafficking with the Haitian police.

The Force Commander is Major-General Carlos Alberto Dos Santos Cruz of Brazil. Brazil also supplies 1,200 troops, the Mission's largest contingent. Sixteen other countries contribute military personnel, and 42 countries supply police personnel. MINUSTAH's current troop strength is 9,055 total uniformed personnel, consisting of 7,044 troops and 2,011 police. They are supported by 506 international civilian personnel; 1,255 local civilian staff; and 194 United Nations volunteers. The Mission's budget for this year (July 1, 2008-June 30, 2009) is \$601.58 million. Brazilian officials recently announced that security had improved to the point that their troops would be shifting their focus to development work instead.¹⁷ MINUSTAH's mandate has been extended another year, to October 2009, and will likely be extended again.

U.S. Policy Objectives and Assistance

The main priorities for U.S. policy regarding Haiti are to strengthen fragile democratic processes, continue to improve security, and promote economic development. Other concerns include the cost and effectiveness of U.S. aid; protecting human rights; combating narcotics, arms, and human trafficking; addressing Haitian migration; and alleviating poverty. Some Members expressed concern about the Bush Administration's October 2006 decision to lift partially the 15-year-old arms embargo against Haiti in order to allow arms and equipment to be provided to Haitian security units. The Obama Administration has said that Haiti is an important issue, deserving of support, and has called for a full review of policy toward the country.

¹⁶ "Haiti: MINUSTAH to Stay on for 2 to 3 Years," *Latinnews Daily*, Mar. 13, 2006.

¹⁷ Jonathan M. Katz, "Largest UN force in Haiti to focus on development," Associated Press, April 25, 2009.

Both President Préval and Prime Minister Pierre-Louis have asked that the United States change its travel warning on Haiti, arguing that it discourages the foreign investment the United States says it is trying to promote through the HOPE II Act and other forms of assistance. The current advisory warns U.S. citizens of the risks of travel to Haiti and recommends deferring non-essential travel until further notice, citing ongoing security concerns.¹⁸

U.S. Assistance to Haiti

U.S. assistance for Haiti in FY2007 totaled \$225 million. Estimated foreign assistance in FY2008, not including emergency food and humanitarian aid, was approximately \$234 million. Among other provisions affecting aid to Haiti, the FY2008 Consolidated Appropriations Act (H.R. 2764/P.L. 110-161) stipulated that not less than \$201.5 million in economic and military assistance be provided to Haiti. The former Bush Administration's FY2008 request for Haiti included \$83 million to combat HIV/AIDS and \$25.5 million for an integrated conflict mitigation program to target urban crime. The previous Administration contributed \$45 million in emergency food aid in response to the April food crisis. Humanitarian assistance in response to the 2008 hurricanes was about \$33.7 million in FY2008 and FY2009 funds.

The estimate for FY2009 is for \$287 million, including \$18 million and \$91 million for Global Health and Child Survival under USAID and State Department, respectively; \$121 million in Economic Support Funds; \$35.5 million in P.L. 480 food aid; \$17.5 million for International Narcotics Control and Law Enforcement; \$0.22 million for International Military Education and Training, and \$0.4 million in Foreign Military Financing. The Omnibus Appropriations Act of 2009 (P.L. 111-8), signed into law on March 11, 2009, provides "not less than \$251.126 million" in bilateral economic and international security assistance for Haiti, providing \$41 million more than the original request. About \$2 million will be provided to Haiti through the Merida Initiative for counter narcotics efforts.

The request for FY2010 assistance for Haiti is for \$293 million, including \$21 million and \$91 million for Global Health and Child Survival under USAID and State Department, respectively; \$125 million in Economic Support Funds; \$35.5 million in P.L. 480 food aid; \$18.5 million for International Narcotics Control and Law Enforcement; \$0.22 million for International Military Education and Training, and \$1.6 million in Foreign Military Financing.

Hurricane Damage and U.S. Assistance

In August and September 2008, four major storms directly hit or passed close to Haiti, causing widespread devastation. The hurricanes caused an estimated \$1 billion in damage—equivalent to about 15% of Haiti's GDP—and set back much of any progress that had been made in recent years. The U.S. government provided \$30 million in humanitarian assistance to affected Haitian populations in response to the hurricanes in Haiti in FY2008, and another \$2million in FY2009, for a total of \$33 million. Congress provided not less than \$100 million for hurricane relief and reconstruction assistance for Haiti and other Caribbean countries in the FY2009 continuing appropriations resolution (P.L. 110-329) signed into law September 30, 2008. \$96 million of this is directed to Haiti.

Haiti was already experiencing a food crisis; the impact of the storms has greatly exacerbated the problem, mainly due to flooding. The storms destroyed approximately one-third of the country's rice crop. Haiti's rice crop is essentially used for domestic consumption, and reportedly is a lifeline for many Haitians. Livestock, other crops, seeds, and farm equipment were destroyed as

¹⁸ Travel warning as of June 17, 2009, from [http://travel.state.gov/travel/cis_pa_tw/tw/tw_917.html].

well. The storms hit during harvest season, meaning that farmers will not have capital from this crop to reinvest in future crops. Some observers worry that additional food shortages and price increases could again lead to riots, like the ones in April 2008 that killed several people and contributed to the dismissal of the Prime Minister at the time, and to higher incidences of children dying of malnutrition.

Temporary Protected Status

Haitians have repeatedly sought Temporary Protected Status (TPS), which would allow them to remain in the United States without threat of deportation, after various domestic crises, arguing that the return of deportees would contribute to instability and be a further drain on already inadequate services. After last summer's devastating tropical storms and hurricanes, President Préval publicly requested that illegal Haitian migrants in the United States be granted TPS. Over 30,000 Haitians are currently in detention facing deportation. The former Bush Administration turned down the request at the end of its term.

While visiting Haiti on April 16, Secretary of State Hillary Clinton said the Obama Administration was considering granting TPS to Haitians. Proponents argue that Haiti is ill-equipped to absorb thousands of deportees, and depends on the remittances they send back to Haiti. Opponents of TPS have argued that granting it could encourage a wave of new immigrants. Clinton said if granted, the policy would only apply to Haitians already in the U.S. before President Obama's election. She also said the policy of interdicting Haitian migrants on the high seas and returning them to Haiti would continue.

Congressional Response and Concerns

There was bipartisan support in the 110th Congress to assist the Préval government. Responding to the food crisis and Préval's earlier calls for increased U.S. investment in Haiti, Congress passed the second Haitian Hemispheric Opportunity through Partnership Encouragement (HOPE) Act as part of the 2008 farm bill in June 2008 (Title XV, P.L. 110-246).¹⁹ The law expands trade preferences for U.S. imports of Haitian apparel first provided in the 2006 version of the HOPE Act (P.L. 109-432, Title V). In late June 2008, Congress amended the Merida Initiative, an aid package for Mexico and Central America that was part of the FY2008 Supplemental Appropriations Act, H.R. 2642 (P.L. 110-252), to include counternarcotics funds for Haiti.

The 111th Congress may consider not only the balance of financial support for democracy building, security enhancement, counternarcotics, development assistance, police and judicial reform, and disaster recovery and prevention, but also the scope of the assistance.

Several Members have already requested that the Obama Administration grant Temporary Protected Status (TPS) to Haitians living in the United States because of the disastrous conditions in Haiti. The Bush Administration decided that Haiti did not currently warrant a TPS designation, and was criticized by some Members and human rights advocates for renewing deportations of Haitians after a three-month reprieve in the aftermath of the hurricanes. Deportations have continued under the Obama Administration. The Haitian Protection Act of 2009 (H.R. 144), a bill that would require the Secretary of Homeland Security to designate Haiti as a country whose qualifying nationals may be eligible for temporary protected status was introduced January 6, 2009.

¹⁹ For more information see CRS Report RL34687, *The Haitian Economy and the HOPE Act*, by J. F. Hornbeck.

Another issue of immediate concern to Congress is likely to involve an effort to ensure that free fair, and safe elections are held for the Haitian Senate runoff races on June 21, 2009. As discussed in the “Political Background” section above, tensions remains over the exclusion of former President Jean-Bertrand Aristide's Fanmi Lavalas party from the elections on technical grounds.

Congress may once again take up debt relief for Haiti. In the 110th Congress the House passed an amendment to the Jubilee Act [H.Amdt. 993 to H.R. 2634] in April 2008 recommending immediate cancellation of Haiti's outstanding debts to multilateral institutions). Much of Haiti's \$1.7 billion foreign debt is owed to multilateral institutions.

Legislation in the 111th Congress

P.L. 111-8. In the Omnibus Appropriations Act, 2009, sec. 7045(b) deals expressly with Haiti, stating that (1) the Government of Haiti shall be eligible to purchase defense articles and services under the Arms Export Control for the Coast Guard; (2) of the funds appropriated by this Act under Title III, Bilateral Economic Assistance, and Title IV, International Security Assistance, not less than \$251.126 million shall be made available for assistance for Haiti; and (3) none of the funds made available by this Act under the heading 'International Narcotics Control and Law Enforcement' may be used to transfer excess weapons, ammunition or other lethal property of an agency of the U .S. Government to the Government of Haiti for use by the Haitian National Police until the Secretary of State reports to the Committees on Appropriations that any members of the Haitian National Police who have been credibly alleged to have committed serious crimes, including drug trafficking and violations of internationally recognized human rights, have been suspended.

The omnibus act contains several other provisions related to Haiti as well. For the federal prison system. up to \$20 million shall remain available until expended for expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note), for the care and security in the United States of Haitian [and Cuban] entrants. International Military Education and Training funds for Haiti may only be provided through the regular notification procedures of the Committees on Appropriations and any such notification must include a detailed description of the proposed activities. No Foreign Military Financing Program funds may be made available for Haiti, except pursuant to the regular notification procedures of the Committees on Appropriations. None of the funds appropriated under Title III—Bilateral Economic Assistance; Title IV—International Security Assistance; Title V—Multilateral Assistance; or Title VI—Export and Investment Assistance—may be obligated or expended for assistance for Haiti, except through the regular notification procedures of the Committees on Appropriations. Signed into law March 11, 2009.

H.Con.Res. 17. Expressing the sense of Congress with regard to providing humanitarian assistance to countries of the Caribbean devastated by Hurricanes Gustav and Ike and Tropical Storms Fay and Hanna.. Introduced and referred to the House Committee on Foreign Affairs January 9, 2009.

H.R. 144. The Haitian Protection Act of 2009 would require the Secretary of Homeland Security to designate Haiti as a country whose qualifying nationals may be eligible for temporary protected status. Introduced January 6, 2009; referred to the House Judiciary Committee's Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law February 9, 2009.

H.R. 264. The Save America Comprehensive Immigration Act of 2009 would amend the Immigration and Nationality Act (INA) to provide increased protections and eligibility for family-sponsored immigrants, including to authorize adjustment of status for certain nationals or citizens of Haiti. Introduced January 7, 2009, referred to House Judiciary; House Homeland Security; House Oversight and Government Reform Committees; referred to the Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law February 9, 2009.

H.R. 331. Would establish a Congressional Independent Commission to examine the U.S. government's role in the February 2004 coup d'etat in the Republic of Haiti. Would terminate the Commission 60 days after submission of its final report to Congress and the President. Introduced and referred to the House Committee on Foreign Affairs January 8, 2009.

H.R. 416. Would authorize the Secretary of State to establish the Shirley Chisholm United States-Caribbean Educational Exchange Program under which scholars and secondary, undergraduate, graduate, and post-graduate students from communities demonstrating the greatest need within certain Caribbean countries, including Haiti, would attend U.S. schools and participate in activities designed to promote a greater understanding of U.S. values and culture. Students would be expected to invest the knowledge and experiences they gain in the United States back into CARICOM (Caribbean Community and Common Market) countries. Would also authorize the Secretary, through the United States Agency for International Development (USAm), to establish a program to improve primary and secondary education in such countries by enhancing teacher training, strengthening curriculum and instructional materials, and assisting improvements in school management and public administration of education. Introduced and referred to the House Committee on Foreign Affairs January 9, 2009.

H.R. 417. The Next Steps for Haiti Act of 2009 would authorize the Director of Foreign Assistance, in consultation with the government of Haiti and Haitian civil society organizations, to establish the Haiti Professional Exchange Program to assign qualified Haitian Americans and others to provide technical assistance to help Haiti improve in areas vital to its growth and development, including education, energy, environment, health care, infrastructure, security, transportation, and disaster preparedness. Directs the Secretary of State to implement a student loan forgiveness program for program participants. Introduced and referred to the House Committee on Foreign Affairs January 9, 2009.

H.R. 1567. The Haitian Refugee Immigration Fairness Act (HRIFA) Improvement Act of 2009 would amend the 1998 HRIFA to (1) require determinations with respect to children to be made using the age and status of an individual on October 21, 1998 (enactment date of the HRIFA of 1998); (2) permit an application based upon child status to be filed by a parent or guardian if the child is present in the United States on such filing date; and (3) include document fraud among the grounds of inadmissibility which shall not preclude an otherwise qualifying Haitian alien from permanent resident status adjustment. It would also permit new status adjustment applications to be filed for a limited time period. Introduced March 17, 2009, referred to the House Judiciary Committee's Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law on April 27, 2009.

S. 730. The Affordable Footwear Act of 2009 would amend the Caribbean Basic Economic Recovery Act to provide footwear imported directly from Haiti into the United States with the same preferential treatment that is provided to certain imported footwear under the Dominican Republic-Central America-United States Free Trade Agreement. Introduced and referred to the Senate Committee on Finance on March 26, 2009.

S. 1183. The Haiti Reforestation Act of 2009 would authorize the Secretary of Agriculture to provide assistance to the Government of Haiti to end within 5 years the deforestation in Haiti and

restore within 30 years the extent of tropical forest cover in existence in Haiti in 1990. Introduced and referred to the Senate Committee on Foreign Relations June 4, 2009.

Enacted Legislation in the 110th Congress

P.L. 110-161. FY2008 Consolidated Appropriations Act. Division J includes the provision of not less than \$201.5 million in total economic and military assistance to Haiti. The act provides that the Government of Haiti is eligible to purchase defense articles for the Coast Guard; states that IMP funds and FMF may only be provided to Haiti through the regular notification procedures; and includes a restriction on certain INCLE funding to Haiti. The joint explanatory statement to the act recommends providing \$5 million to support USAID's watershed reforestation program in Haiti. Introduced on June 18, 2007 as the State Department, Foreign Operations, and Related Agencies Appropriations Act, H.R. 2764. The House Appropriations Committee issued its report on the bill, H.Rept. 110-197, on June 18, and the House passed the bill on June 22. The Senate Appropriations Committee approved its version of the bill, S.Rept. 110-128, on June 28, and the Senate passed it on September 6, approving the same level of total funding as the House bill. On December 17, 2007, H.R. 2764 became the vehicle for the FY2008 Consolidated Appropriations Act, with Division J providing for foreign aid appropriations. The bill was signed into law on December 26, 2007.

P.L. 110-181. Section 1023 of the National Defense Authorization Act for Fiscal Year 2008 requires the President to submit a report on counternarcotics assistance for the government of Haiti within 120 days of the enactment of this law. The report is to provide a description and assessment of the counternarcotics assistance provided to the Government of Haiti by the Departments of Defense, State, Homeland Security, and Justice; (2) A description and assessment of any impediments to increasing counternarcotics assistance to the Government of Haiti; (3) An assessment of the potential for the provision of counternarcotics assistance for the Government of Haiti through the United Nations Stabilization Mission in Haiti. Signed into law January 28, 2008.

P.L. 110-329. The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 was a FY2009 continuing resolution that continued funding at FY2008 levels through March 6, 2009. Introduced on June 8, 2007, it was signed into law on September 30, 2008.

P.L. 110-252. In the Supplemental Appropriations Act, 2008, Sec. 1407 states that \$65 million in International Narcotics Control and Law Enforcement (INCLE), Foreign Military Financing Program (FMF), Nonproliferation, Anti-Terrorism, Demining and Related Programs, and Economic Support Funds, may be made available for assistance to Central America, Haiti, and the Dominican Republic only to combat drug trafficking and related violence and organized crime, and for judicial reform, institution building, anti-corruption, rule of law activities, and maritime security, providing that \$2.5 million in INCLE funds shall be made available for assistance for Haiti, and that none of the funds shall be made available for budget support or as cash payments. Requires the Secretary of State to submit a detailed spending plan of those funds within 45 days of the bill's enactment.

Fifteen percent of the INCLE and FMF funds for Haiti may not be obligated until the Secretary of State reports in writing to the Committees on Appropriations that the government is 1) establishing police complaints commissions with authority and independence to receive complaints and carry out effective investigations; (2) implementing reforms to improve the capacity and ensure the independence of the judiciary; and (3) investigating and prosecuting members of the federal police and military forces who have been credibly alleged to have committed violations of human rights. Signed into law June 30, 2008.

P.L. 110-246. The HOPE II Act, or the second Haitian Hemispheric Opportunity through Partnership Encouragement Act, is Title XV of the Food, Conservation, and Energy Act of 2008, or farm bill. The law expands trade preferences for U.S. imports of Haitian apparel first provided in the 2006 version of the HOPE Act (P.L. 109-432, Title V). It was enacted over veto into law on June 18, 2008.

Enacted Legislation in the 109th Congress

P.L. 109-13. Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief, for the fiscal year ending September 30, 2005. Makes \$20 million in Economic Support Funds available for Haiti, of which \$2.5 million should be made available for criminal case management, case tracking, and the reduction of pre-trial detention in Haiti, notwithstanding any other provision of law. Introduced March 11, 2005 (H.Rept. 109-72), signed into law May 11, 2005.

P.L. 109-53. Dominican Republic-Central America-United States Free Trade Agreement Implementation Act. Contains a side letter indicating the Administration's intent to work with Congress to allow benefits available under the Caribbean Basin Trade Partnership Act for articles co-produced by Haiti and the Dominican Republic to continue once CAFTA is implemented. Introduced June 23, 2005 (H.Rept. 109-182); passed Senate 54-45 June 30; signed into law August 2, 2005.

P.L. 109-95. Amends the Foreign Assistance Act of 1961 to provide assistance for basic care for orphans and other vulnerable children in developing countries. Introduced March 17, 2005. Signed into law November 8, 2005.

P.L. 109-102. Department of State, Foreign Operations, and Related Programs Appropriations Act, 2006. International Military Education and Training funds and Foreign Military Financing may only be provided to Haiti through the regular notification procedures. Section 549 makes available for Haiti (1) \$20 million from Child Survival and Health Programs Fund; (2) \$30 million from Development Assistance; (3) \$50 million from Economic Support Fund; (4) \$15 million from International Narcotics Control and Law Enforcement; (5) \$1 million from Foreign Military Financing Program; and (6) \$215,000 from International Military Education and Training. It also continues to allow the government of Haiti to purchase defense articles and services under the Arms Export Control Act for the Coast Guard. Section 549 (c) prohibits any 'International Narcotics Control and Law Enforcement' funds from being used to transfer excess weapons, ammunition, or other lethal property of an agency of the United States government to the government of Haiti for use by the Haitian National Police until the Secretary of State certifies to the Committees on Appropriations that (1) the United Nations Mission in Haiti (MINUSTAH) has carried out the vetting of the senior levels of the Haitian National Police and has ensured that those credibly alleged to have committed serious crimes, including drug trafficking and human rights violations, have been suspended; and (2) the Transitional Haitian National Government is cooperating in a reform and restructuring plan for the Haitian National Police and the reform of the judicial system as called for in United Nations Security Council Resolution 1608 adopted on June 22, 2005. Introduced June 24, 2005, referred to House and Senate Committees on Appropriations (H.Rept. 109-152; S.Rept. 109-96). Signed into law November 14, 2005.

The conference report expresses concern about members of the Haitian National Police or other individuals unlawfully using weapons, ammunition, and other lethal materiel that has been provided or sold by the United States Government and therefore requires the certification included in Section 549(c). The conferees understand that investigations into extrajudicial killings

and other alleged incidents of human rights abuses by the police were currently underway but were severely limited by the lack of investigative capacity within the HNP. The conferees request that not later than 60 days after the date of enactment of this act, the State Department report to the appropriate congressional committees the findings of these investigations, including information on whether any United States-supplied or provided weapon or ammunition was used during those incidents. Directs the Secretary of State to submit a report to the Committees on Appropriations within 30 days of enactment of the act which (1) describes in detail the steps taken by the Haitian Transitional Government and the United Nations Stabilization Mission to provide adequate security to permit free and fair elections with broad based participation by all political parties, and to demobilize, disarm and reintegrate armed groups, and (2) provides an assessment of the effectiveness of such steps. Conference report (H.Rept. 109-265) agreed to in House 358-39, November 4, 2005.

P.L. 109-108. Departments of Commerce and Justice, Science, and Related Agencies Appropriations Act, 2006. Provides that an amount not to exceed \$20 million shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses authorized by Section 501(c) of the Refugee Education Assistance Act of 1980, for the care and security in the United States of Haitian (and Cuban) entrants. Introduced June 10, 2005. H.Rept. 109-118; S.Rept. 109-88; conference report (H.Rept. 109-272). Signed into law November 22, 2005.

P.L. 109-162. Violence Against Women and Department of Justice Reauthorization Act of 2005. Amends Violence Against Women Act of 2002, provides for aliens or children of aliens who qualify for relief under the Haitian Refugee Immigration Fairness Act of 1998 to petition for certain protections of battered and trafficked immigrants. Introduced July 22, 2005. H.Rept. 109-233. Signed into law January 5, 2006.

P.L. 109-234. Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006. Provides an additional \$22.5 million for Haiti. Includes \$5 million in Child Survival and Health funds and \$17.5 million in Economic Support Funds for police and judicial reform programs and job creation programs. Introduced March 13, 2006. Signed into law June 15, 2006.

P.L. 109-432. The HOPE Act, or the Haitian Hemispheric Opportunity through Partnership Encouragement Act of 2006 (H.R. 6142), was incorporated into the Tax Relief and Health Care Act of 2006 as Title V. Allows duty-free entry to specified apparel articles 50% of which were made and/or assembled in Haiti, the United States, or a country that is either a beneficiary of a U.S. trade preference program, or party to a U.S. free trade agreement (for the first three years; the percentage would be higher after that). Requires ongoing Haitian compliance with certain conditions, including making progress toward establishing a market-based economy, the rule of law, elimination of trade barriers, economic policies to reduce poverty, a system to combat corruption, and protection of internationally recognized worker rights. It also stipulates that Haiti not engage in activities that undermine U.S. national security or foreign policy interests, or in gross violations of human rights. Introduced, referred to House Committee on Ways and Means September 21, 2006. Signed into law December 20, 2006.

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